

## REMARKS

The official action of 16 November 2010 has been carefully considered and reconsideration of the application as amended is respectfully requested.

The courtesy of the Examiner in indicating the allowability of claims 10-12, if rewritten in independent form including all of the limitations of the base claim and any intervening claims, has been noted with appreciation. Applicants also note with appreciation the explanation of the reasons for allowance provided at paragraph 16 of the official action.

Applicants have now amended claim 1 to incorporate the subject matter from claims 10-12 which the Examiner considers to be allowable. In particular, Applicants have amended claim 1 to recite that the anode comprises either a porous nickel band filled with polybenzimidazole or asbestos impregnated with polybenzimidazole, and an active layer comprising 3-7 wt% of fluoroplastic or 2-7 wt% of polybenzimidazole or both. This amendment is respectfully believed to distinguish the claims from the cited art in accordance with the Examiner's statement of reasons for allowance. In this respect, Applicants respectfully note the Examiner has explained that both Gregory and Kordesh fail to disclose a fuel cell as claimed with an active layer comprising the required amounts of **either** fluoroplastic **or** PBI and the amended claims encompass the alternatives, i.e. the recited amounts of either or both. Applicants respectfully note that dependent claims 10-12 have been retained to read on specific of the alternatives of fluoroplastic or PBI and polybenzimidazole or asbestos.

In view of the above, and since the Examiner has not applied the rejections of record against the subject matter now incorporated into the independent claim, Applicants respectfully submit that all rejections and objections of record have been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

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